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~~CONFIDENTIAL~~

Counsel for Defendant JUAN CORTEZ-PADILLA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 11-00872 RMW
)	
Plaintiff,)	STIPULATION AND []
)	ORDER TO MODIFY BRIEFING
vs.)	SCHEDULE, CONTINUE MOTION
)	HEARING DATE AND EXCLUDE TIME
JUAN CORTEZ-PADILLA,)	UNDER THE SPEEDY TRIAL ACT
)	
Defendant.)	
_____)	Honorable Ronald M. Whyte

STIPULATION

Defendant Juan Cortez Padilla, by and through Assistant Federal Public Defender Varell L. Fuller, and the United States, by and through Special Assistant United States Attorney Carolyn Sanin, hereby stipulate that, with the Court's approval, the motion hearing currently set for Monday, October 29, 2012, at 9:00 a.m., shall be continued to Monday, November 5, 2012, at 9:00 a.m. The parties also request that the Court modify the briefing schedule as follows: the defense shall file its initial brief on or before October 2, 2012. The government may file a response on or before October 16, 2012. The defense may file a reply on or before October 23, 2012.

The reason for the requested continuance is that defense counsel requires additional time

1 to meet with Mr. Cortez-Padilla and to prepare the pretrial motions. Defense counsel respectfully
2 requests additional time to effectively prepare Mr. Cortez-Padilla's defense, and therefore
3 respectfully requests a continuance of the briefing schedule and motion hearing previously set in
4 this matter for October 29, 2012 to November 5, 2012.

5 Accordingly, the parties agree that the time between October 29, 2012, and November 5,
6 2012 may be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for
7 effective preparation by defense counsel.

8
9 Dated: September 20, 2012

_____/s/_____
10 VARELL L. FULLER
11 Assistant Federal Public Defender

12 Dated: September 20, 2012

_____/s/_____
13 CAROLYNE SANIN
14 Special Assistant United States Attorney

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[] ORDER

GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY ORDERED that the motion hearing currently set for Monday, October 29, 2012, shall be continued to Monday, November 5, 2012, at 9:00 a.m. The briefing schedule shall be modified as follows: the defense shall file its motion on or before October 2, 2012. The government may file a response on or before October 16, 2012. The defense may file a reply on or before October 23, 2012.

THE COURT FINDS that failing to exclude the time between October 29, 2012, and November 5, 2012, would unreasonably deny the defendant reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. §§ 3161(h)(7)(B)(iv).

THE COURT FINDS that the ends of justice is served by excluding the time between October 29, 2012, and November 5, 2012, from computation under the Speedy Trial Act and outweigh the interests of the public and the defendant in a speedy trial.

THEREFORE, IT IS HEREBY ORDERED that the time between October 29, 2012, and November 5, 2012, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

Dated: "Qevqdg"33, 2012


THE HONORABLE RONALD M. WHYTE
United States District Judge